

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 04-703 JJF
	:
EMERALD RIDGE SERVICE CORP. BD.	:
OF DIR., et al.,	:
	:
Defendants.	:

MEMORANDUM ORDER

Pending before the Court is Plaintiff's Motion For
Reargument And Correction Of District Court's Error. (D.I. 61.)
For the reasons set forth below, the Court will deny the Motion.

By her Motion, Plaintiff requests the Court to reconsider
that portion of its Order dated August 25, 2005 (D.I. 60) denying
Plaintiff's previous Corrective Motion (D.I. 52). By that
Motion, Plaintiff had requested the Court to amend the caption of
the pleadings to show Emerald Ridge Service Corporation as a
plaintiff rather than a defendant. The Court, citing Maldonado
v. Flynn, 413 A.2d 1251, 1255 (Del. Ch. 1980), concluded that in
a shareholder derivative suit under Delaware law, the corporation
is named as a nominal defendant. Therefore, the Court denied the
Motion.

Motions for reargument or reconsideration "should be granted
sparingly" and may not be used merely to repeat arguments that

have already been briefed by the parties and considered and decided by the Court. Ciena Corp. v. Corvis Corp., 352 F.Supp.2d 526, 528 (D. Del. 2005). In the instant Motion, Plaintiff's argument is essentially the same as the one she presented in her original Corrective Motion (D.I. 52). Therefore the Court, having already considered Plaintiff's argument and decided the issue, will deny the Motion.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion For Reargument And Correction Of District Court's Error (D.I. 61) is DENIED.

November 4, 2005
DATE

Joseph J. Fannon Jr.
UNITED STATES DISTRICT JUDGE